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THE ANDHRA PRADESH GAZETTE

PART–I EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 4] HYDERABAD, TUESDAY, JANUARY 4, 2011.

NOTIFICATIONS BY GOVERNMENT

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REVENUE DEPARTMENT

(EX-I)

SHOW CAUSE NOTICE ISSUED TO SRI P. GANGADHAR AND SMT. N. SAILAJA, ASSISTANT PROHIBITION AND EXCISE SUPERINTENDENTS - REQUEST TO RESTORE THEIR ORIGINAL DATE OF REGULARIZATION IN THE CATEGORY OF ASSISTANT PROHIBITION AND EXCISE SUPERINTENDENT ON PAR WITH THEIR BATCHMATES OF 1986-87 BATCH - OBJECTIONS FROM THE EFFECTED PERSONS CALLED FOR.

[Memo. No. 31881/Ex.I (1)/2010, Revenue (Ex-I), 23rd December 2010.]

Ref:-
1. Orders of APAT, Dt: 19-12-2006 in OA.Nos. 3981/2005, 2074/2005, 1930/2005 & 4034/2005 with VMA.782/2005.
2. Orders of APHC, Dt: 10.02.2009 in W.P.No. 24108/2008, 25052/2008,25050/2008 and 25051/2008.
3. Orders of Supreme Court Dt: 05-10-2010 in SLP.No. CC6512-6513/2010
4. Rep. of Sri. P. Gangadhar,ACPE, Dated:08-07-2010.
5. From the CMP. Note No. 8542/CMP/2010, Dated: 28.07-2010 together with the Rep. of Smt. N.Sailaja, ACPE.
6. Govt. Memo No. 31881/Ex-I(1)/2010, Dt: 21-07-2010 and 11-08-2010.
7. From CPE Cr.No.11183/2009/CPE/L3, Dated:16-09-2010.
8. Memo.No.31881/Ex.I(1)/2010, Dt:09.12.2010.

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The Commissioner of Prohibition and Excise, Hyderabad, in his letter in the reference 7th cited has stated that Sri. P.Gangadhar and Smt.N.Sailaja have joined in the Department on 1-8-1987 as Assistant Excise Superintendents by way of Direct Recruitment in Multi Zone-II. Later, Sri.P.Gangadhar applied for Multi Zonal Transfer to Multi Zone – III and Smt. N.Sailaja to Multi Zone- I on spousal grounds. The Government, vide GO.Ms.No.880 Rev. Dept dt:26.12.1988, have issued orders transferring the above Officers from M.Z-II to M.Z-III (Sri.P.Gangadhar) and M.Z-I (Smt.N.Sailaja) under 5 (2) (c) of the Presidential order. Further both the Officers joined at the respective Multi Zones on 05.01.1989.

2. Government, while finalizing the seniority of Assistant Excise Superintendents in accordance with the judgment of Hon'ble High Court in W.P. No.4272/01 and Batch dated: 24-12-2003, assigned seniority to the individuals from the date of their joining in Multi Zone-III and I respectively. Aggrieved by this, Sri.P.Gangadhar has filed O.A.No.3981, 2074 of 2005 and Smt.N.Sailaja has also filed O.A.No.1930, 4034 of 2005, for assigning seniority in the Zone to which they were transferred from their original dates of regularization ie., 01-08-1987. The Hon'ble Andhra Pradesh Administrative Tribunal , in its common orders dated:19-12-2006, vide reference 1st cited have directed that the petitioners are entitled to the original dates of regularization ie., 01-08-1987.

3. Against the above orders of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad, the Government have filed W.Ps before the Hon'ble High Court in WP.No.24108, 25052, 25050 and 25051 of 2008 and the Hon'ble High Court in its orders dated:10-02-2009, vide reference 2nd cited have dismissed the W.Ps.

4. Against the above dismissal orders of the Hon'ble High Court, AP, Hyderabad, the Government have filed SLPs before the Hon'ble Supreme Court in SLP.No.CC6512-6513/2010 and the Hon'ble Supreme Court in its orders dated:05-10-2010, dismissed the SLPs. Therefore, the orders of the Hon'ble Andhra Pradesh Administrative Tribunal, dated 19-12-2006 hold good.

5. Both the Hon'ble High Court of A.P. and Hon'ble Supreme Court of India have dismissed the appeals preferred by the Government. Hence, the seniority of Sri P. Gangadhar and Smt. N. Sailaja has to be assigned from the date of their original appointments along with their direct recruit batchmates.

6. The Commissioner of Prohibition and Excise, Hyderabad has further stated that Sri P. Gangadhar and Smt.N.Sailaja, Assistant Commissioner of Prohibition and Excise have to be assigned seniority in the cadre of Assistant Prohibition and Excise Superintendents with effect from 01-08-1987 and consequential seniority in the cadre of Prohibition and Excise Superintendents and Assistant Commissioner of Prohibition and Excise by convening Review Departmental Promotion Committees. Since, the Government have finalized the seniority for the relevant years, the Government have to revise the seniority from the cadre of Assistant Prohibition and Excise Superintendents and above.

7. He has further informed that the Government in the final Integrated Seniority List of Assistant Prohibition and Excise Superintendents, issued in G.O.Ms. No. 501 Rev (Ex-I) Dept, Dt: 15.04.2005, the 1987 batch Direct Recruit Assistant Prohibition and Excise Superintendent have been placed at Sl.No.216 to 223 as given below:

216. D.Yungandhar Raju
217. T.Prasad
218. A.V.Narasimha Rao
219. V.Uma Maheswara Rao
220. C.Janardhan
221. A. Chandrasekhara Naidu
222. S.Aravinder Singh
223. P.Chandra Mouli

8. Sri. P.Gangadhar and Smt. N.Sailaja, Assistant Prohibition and Excise Superintendents were initially allotted to Multi Zone-II by Andhra Pradesh Public Service Commission. Later, Sri P.Gangadhar was allotted to MZ-III and Smt.P.Sailaja was allotted to Multi Zone -I on spousal grounds. In the final Integrated Seniority List of Assistant Prohibition and Excise Superintendent, Sri P. Gangadhar is placed at Sl.No.266 and Smt.N. Sailaja is placed at Sl.No.265 from the date of joining in the later unit of appointment.

9. Govt. have examined the matter carefully and observed that as per the Rule 33(b) of A.P. State and Subordinate Service Rules, 1996:

> The appointing authority may, at the time of passing an order appointing two or more persons simultaneously to a service, fix either for the purpose of satisfying the rule of reservation of appointments or for any other reason the order of preference among them, and where such order has been fixed, seniority shall be determined in accordance with it.
>
> Provided further that the order of merit or order of preference indicated in a list of selected candidates prepared by the Public Service Commission or other selecting authority, shall not be disturbed inter-se with reference to the candidates position in such list or panel while determining the seniority in accordance with this rule and notional dates of commencement of probation to the extent necessary, shall be assigned to the persons concerned, with reference to the order of merit or order of preference assigned to them in the said list.

10. The Rule 36(i) of A.P. State and Subordinate Service Rules, 1996 reads as follows:

> 37. INTER-SE-SENIORITY WHERE THE DATES OF COMMENCEMENT OF PROBATION AS SAME:-
>
> The seniority of the persons in the service shall be determined as follows:-
>
> (i) In respect of the candidate selected by the Andhra Pradesh Public Service Commission or other selecting authorities by direct recruitment, shall be with reference to their ranking assigned irrespective of the date of commencement of their probation in that category.

11. It is further observed that in Common Judgment Dt: 17.03.2010 in O.A.No. 11590, 11373/2009 and O.A.No.1111/2010 filed by Sri R. Nagendra Rao Prohibition and Excise Inspector and others, the Hon'ble Tribunal has ordered the following:

> "In view of the above facts, the impugned seniority list Dt: 16.08.2007 and the consequential integrated seniority list Dt: 29.09.2009 are liable to be set aside and they are accordingly set aside. The respondents are directed to prepare the seniority list of Prohibition and Excise Inspectors of Zone-II strictly as per the merit assigned by the 4th respondent i.e. Andhra Pradesh Public Service Commission as per Rule 33 of A.P. State and Subordinate Service Rules and not according to the roster point within a period of 8 weeks from the date of receipt of a copy of this order by following the procedure prescribed in the rules and consider the cases of the applicants for promotion to the post of Assistant Excise Superintendents as per seniority and as per the directions of this Tribunal. The O.As., are accordingly allowed."

12. The Andhra Pradesh Public Service Commission in their Lr. No. 4555/KA/6/87, Dt: 07.07.1994 have communicated the merit ranking of the 1987 batch Direct Recruit Assistant Prohibition and Excise Superintendents along with others.

13. In case the above Assistant Prohibition and Excise Superintendents are arranged in order of their merit ranks assigned by APPSC including that of Smt.N.Sailaja and P.Gangadhar the inter-se-seniority of 1987 Direct Recruit Assistant Prohibition and Excise Superintendents shall be as given below:

Sl.No	**Name of the DR AESs**	**Zone**	**APPSC Merit Rank**
1.	T.Prasad	MZ-III	1
2.	V. Uma Maheswara Rao	MZ-III	2
3.	A. Chandrasekhara Naidu	MZ-II	3
4.	C. Janardhan	MZ-III	4
5.	S. Aravinder Singh	MZ-III	5
6.	P. Gangadhar	MZ-II/III	6
7.	P. Chandra Mouli	MZ-III	7
8.	D.Yugander Raju	MZ-I	8
9.	N. Sailaja	MZ-II/I	9
10.	A. V. Narasimha Rao	MZ-III	10

14. In the circumstances above, Government have decided to consider provisionally the request of Sri P.Gangadhar and Smt. N.Sailaja, Assistant Commissioners of Prohibition and Excise, to revise their seniority in the cadre of Assistant Prohibition and Excise Superintendents from the date of original appointment i.e. 01-08-1987 in accordance with Rule 33(b) of Andhra Pradesh State and Subordinate Service Rules, 1996 vide reference 8th cited. Therefore, the following affected persons are directed to file their objections, if any within a period of (15) days from the date of receipt of this notice to the Commissioner of Prohibition and Excise, failing which it will be construed that there is no objection on the proposed revision of seniority and further action will be taken as per the material available on record.

ASUTOSH MISHRA,
Principal Secretary to Government.

To,
S/Sri
V. Uma Maheswara Rao
A. Chandrasekhara Naidu
C. Janardhan
S. Aravinder Singh
P. Chandra Mouli
D.Yugander Raju
A. V. Narasimha Rao
D.Ranjit
P.Thomasaiah
Balakistaiah
J.Vedavyasa Chari
Khaiser Ahmed
S M Rajeshwara Rao
M R K Srinivasa Rao
M.Chandrashekar Reddy

V.Prakasa Rao
S.Manohara Reddy
G.Koteswara Rao
T.Prithvivalabh
Maqsood Ahmed
M.Ranganna
T V Rao
M K S Ahmed
B.Balaji Prasad
S U Bhaskar Rao
T.Arun Kishore
Y.Hanumantha Rao (SC)
M.Chandrashekar Rao (ST)
Md.Mahboob Ali
O.Narasimhulu
K.Venkata Rao
J.T Sundaram
P.Shantaram
C.Ranga Reddy
K.Venkata Swamy
P.Vasudeva Reddy
P Narasimham
N J Mohana Rao
Ch.Gangadhar
S.Ahmed Moinuddin
M M A Farooqui
T.Venkateswarulu
M.Masrat Ali Khan
V.T.Rayan
G.Rama Chandra Raju
Maqsood Illahi Khan
V.Ramaiah
P.Venkataramaiah

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